

REMARKS

Claims 1-80 remain in this application. Claims 19-21, 34, 40-50, 52, 53-58, and 70-80 have been withdrawn. Applicant's object to the withdrawal of Claims 52 and 54-58 as these claims describe features of embodiments illustrated in Figs. 12-18 and are dependent on generic Claim 51. Applicant's respectfully request reconsideration of the withdrawal of Claims 52 and 54-58. Claim 67 has been amended to obviate the objection thereto. Claims 7-12, 39, 64, and 67 have also been amended to obviate the rejection under 35 U.S.C. 112, second paragraph, as being indefinite.

Applicant objects to official notice being taken on selected claim limitations. The invention relates to a small diameter endoscope. The problem solved relates to the delivery and collection of sufficient light through a small diameter tube to provide an image having a desired resolution and field of view while reducing trauma to the entry point for laparoscopic or arthroscopic examination. The invention involves a combination of elements which when brought together provide a solution to this problem.

Claims 1, 2, 6, 7, 15-17, 22, 23, 27-29, 35, and 36 have been rejected under 35 U.S.C. 103(a) as being unpatentable over the "noticed endoscope" in view of Yoshida et al. (4,593,973). Claims 1, 3, 6, 15-17, 22, 23, and 27 have been rejected under 35 U.S.C. 103(a) as being unpatentable over the "noticed endoscope" in view of Yoshida and Goldenberg (4,641,912). Claims 4, 5, and 8-10 have been rejected under 35 U.S.C. 103(a) as being unpatentable based on the above referenced combination and further view of Anaplotis (5,184,602) or Araujo (3,784,386). Claims 51, 59-61, and 66-68 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Hosaka (EP 0,461,669) in view of Yoshida.

Claims 1, 28, and 51 have been amended to clarify features that patentably distinguish over the prior art. The claims recite a rigid waveguide or probe having a diameter of less than 2 mm that is attached to a handle with an imaging device and an optical relay or coupling element. The cited references fail to disclose or suggest the claimed combination of elements. Unlike the Yoshida (dental examination) and Goldenberg (coronary artery) references, for example, the present device is suitable for arthroscopic or laparoscopic examination.

CONCLUSION

In view of the amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone call would expedite the prosecution of this case, the Examiner is invited to call the undersigned at (508) 416-2475.

Respectfully submitted,
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